

REMARKS

By this amendment, claims 1-18 are pending. New claims 17 and 18 are added to eliminate the multiple dependency of originally filed dependent claims 11 and 13. In particular, new claim 17 includes the features of allowable dependent claim 11 and independent claim 3. New claim 18 includes the features of allowable dependent claim 13 and independent claim 3. No new matter is included. Applicant respectfully submits that new claims 17 and 18 are in condition for allowance.

Applicant thanks the Examiner for indicating that claims 14-16 are allowed and that claims 2, 4, 6-9, and 11-13 are allowable if rewritten in independent form. Claims 2, 4, 6-9, and 11-13 are rewritten in independent form to place them in condition for allowance. Thus, Applicants respectfully submits that claims 2, 4, 6-9, and 11-18 are in condition for allowance.

***Claim Rejections under 35 USC 102***

Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Tetsuya et al. (US 5,434,711). Applicant respectfully traverses this rejection.

Independent claim 1 recites the features of an imaging optical system consisting essentially of, in order from an object side, a first lens having positive refractive power and a second lens having negative refractive power, among other things. According to MPEP 2111.03, the transition phrase “consisting essentially of” limits the scope of a claim to the specified materials and steps and those that do not materially affect the basic and novel characteristics.

The Examiner relies on Figure 21 of Tetsuya et al. for disclosing these features. However, Tetsuya et al. discloses “a zoom lens system that comprises, in order from the object side, a positive first lens group, a *positive second lens group* and a negative third lens group” (emphasis added, see Tetsuya et al., col. 1, lines 46-50). In each of the embodiments disclosed in Figures 1, 5, 9, 13, 17, 21, 25, 29 and 33, Tetsuya et al. discloses a zoom lens system that comprises, in order from the object side, a positive first lens group, a *positive second lens group* and a negative third lens group. In asserting the rejection, the Examiner ignores Tetsuya et al.’s positive first lens group (r1, r2) and alleges that Tetsuya et al.’s positive second lens group (r3, r4) is the first lens group. Applicant respectfully submits that the Examiner’s interpretation of Tetsuya et al. is incorrect. As a result, Applicant’s claimed subject matter is structurally distinguished from Tetsuya et al., which fails to teach or suggest an imaging optical system consisting essentially of, in order from an object side, a first lens

having positive refractive power and a second lens having negative refractive power, among other features.

Since Tetsuya et al. fails to teach or suggest the invention claimed in independent claim 1 and its dependent claim 10, these claims clearly are not anticipated by Tetsuya et al. Thus, reconsideration and allowance of these claims are requested.

Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Aoki (US 5,272,566). Applicant respectfully traverses this rejection.

Independent claim 1 recites the features of an imaging optical system consisting essentially of, in order from an object side, a first lens having positive refractive power and a second lens having negative refractive power, among other things. According to MPEP 2111.03, the transition phrase “consisting essentially of” limits the scope of a claim to the specified materials and steps and those that do not materially affect the basic and novel characteristics.

The Examiner relies on Figure 3 of Aoki for disclosing these features. However, Aoki discloses a varifocal lens system having a first lens unit G1 of positive refracting power, a second lens unit G2 of positive refracting power and a third lens unit G3 of negative refracting power in order from the object side (see Aoki, col. 7, lines 15-19). In each of the embodiments disclosed in Figures 1a-1c, 2-4, and 5a-5c, Aoki discloses the varifocal lens system that comprises, in order from the object side, a positive first lens (r1,r2) and a *positive second lens* (r3, r4). In asserting the rejection, the Examiner ignores Aoki’s positive first lens (r1, r2) and alleges that Aoki’s positive second lens group (r3, r4) is the first lens. Applicant respectfully submits that the Examiner’s interpretation of Aoki is incorrect. As a result, Applicant’s claimed subject matter is structurally distinguished from Aoki, which fails to teach or suggest an imaging optical system consisting essentially of, in order from an object side, a first lens having positive refractive power and a second lens having negative refractive power, among other features.

Since Aoki fails to teach or suggest the invention claimed in independent claim 1 and its dependent claim 10, these claims clearly are not anticipated by Aoki. Thus, reconsideration and allowance of these claims are requested.

***Claim Rejections under 35 USC 103***

Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being obvious over Tetsuya et al. in view of Saito (US 6,584,282). Applicant respectfully traverses this rejection.

Independent claim 3 recites the features of an imaging optical system consisting essentially of, in order from an object side, a first lens having positive refractive power and a second lens having negative refractive power and a concave surface which is directed toward the object side, among other things. According to MPEP 2111.03, the transition phrase “consisting essentially of” limits the scope of a claim to the specified materials and steps and those that do not materially affect the basic and novel characteristics.

At a minimum, Tetsuya et al. fails to teach or suggest an imaging optical system consisting essentially of, in order from an object side, a first lens having positive refractive power and a second lens having negative refractive power and a concave surface which is directed toward the object side. Tetsuya et al. discloses “a zoom lens system that comprises, in order from the object side, a positive first lens group, a *positive second lens group* and a negative third lens group” (emphasis added, see Tetsuya et al., col. 1, lines 46-50). In each of the embodiments disclosed in Figures 1, 5, 9, 13, 17, 21, 25, 29 and 33, Tetsuya et al. discloses a zoom lens system that comprises, in order from the object side, a positive first lens group, a *positive second lens group* and a negative third lens group. In asserting the rejection, the Examiner ignores Tetsuya et al.’s positive first lens group (r1, r2) and alleges that Tetsuya et al.’s positive second lens group (r3, r4) is the first lens group. Applicant respectfully submits that the Examiner’s interpretation of Tetsuya et al. is incorrect. The Examiner further acknowledges that Tetsuya et al. is deficient because it fails to specifically disclose that the first lens is made of glass and relies on Saito for disclosing this feature (see page 5 of the final office action dated September 7, 2005).

Saito discloses a finder optical system for observing an object therethrough that includes a variable-power objective optical system (see Saito, the Abstract). Saito discloses that “in order to improve basic performance and to reduce costs, the lens elements 1, 2, and 3 constituting the objective lens are respectively made of acrylic, glass, and polycarbonate” (see Saito, col. 3, lines 26-29). As illustrated in Figure 2, lens element 2, which is made of glass, is not the first lens. Assuming, *arguendo*, that it would have been obvious to include a first lens made of glass, Tetsuya et al. and Saito remain deficient, both alone and in combination, because they fail to teach or suggest an imaging optical system consisting essentially of, in order from an object side, a first lens having positive refractive power and a

second lens having negative refractive power and a concave surface which is directed toward the object side, among other features.


In view of at least the foregoing difference between claim 3 and the cited art, Applicant respectfully submits that claim 3 is not rendered obvious over Tetsuya et al. in view of Saito. Thus, claim 3 is believed to be allowable over these references and claim 5 is believed to be allowable at least by virtue of its dependency from claim 3.

Applicant respectfully requests the Examiner to withdraw all objections and rejections of the claims. If the Examiner feels that the disposition of the application could be expedited by speaking with Applicant's representative, the Examiner is respectfully invited to call the undersigned attorney at the number shown below.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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